

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Lot
- 3.030 Lot Must Abut a Public Road or Permanent Access Easement
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Road
- 3.060 Corner Lots
- 3.070 Future Road Lines
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Landscaping and Buffer Strips

3.010 SCOPE

For the purpose of the zoning ordinance, the following general provisions which shall apply, except as specifically noted, to the county as a whole.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and its accessory structures may hereafter be erected on any zone lot. This provision shall not apply to planned unit developments, multi-family developments, and mobile home parks as permitted in this ordinance.

3.030 LOT MUST ABUT A PUBLIC ROAD OR PERMANENT ACCESS EASEMENT

No building permit or certificate of compliance may be issued nor any building or structure shall be erected on any lot within the planning region unless one of the following criteria is met:

- A. The lot fronts for a distance of at least fifty (50) feet on a public street, except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;
- B. The lot fronts for a distance of at least fifty (50) feet on a street shown on a subdivision plat approved by the Municipal Planning Commission except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;
- C. The lot fronts for a distance of at least fifty (50) feet on a street plat approved by the Municipal Planning Commission except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;
- D. The lot fronts for a distance of at least fifty (50) feet on a permanent access easement with access to an existing public highway or street which conforms to

all rules, regulations and specifications applicable to the permanent access easement requirements of the Planning Commission or other department, division or agency of the county.

Provided further, that a permanent access easement which serves more than one resident or farm, or is used as access to a lot or tract of land having been separated by deed or plat from other property, be at least fifty (50) feet in width, its entire length and meet the requirements for a permanent access easement as set forth in the Pleasant View Subdivision Regulations.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access by private ways when such development is in the form of condominium ownership of such private improvements or a multi-family development which have been approved by the Planning Commission and will be in private ownership and control in perpetuity.

If there is disagreement on the classification of a public way, the Planning Commission shall have the final decision as to whether a public way is a permanent access easement or private street and such decision shall be based on the uses currently served by the way and the uses proposed to be served by the way.

3.040 REDUCTION IN LOT AREA PROHIBITED

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the Zoning Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure, or unless such lot fronts on a permanent easement which conforms to the regulations below.

3.050 REAR YARD ABUTTING A PUBLIC ROAD

When the rear yard of a lot abuts a public road, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that road. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that road.

3.060 CORNER LOTS

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the road that the side yard of the corner lot faces.

3.070 FUTURE ROAD LINE

For the purpose of providing adequate space for the future widening of roads, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Pleasant View Major Thoroughfare Plan.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

In all districts, on a corner lot within the area formed by the center lines of intersecting roads and a line joining points on such center lines at a distance of ninety (90) feet from the intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each road at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

3.090 ACCESS CONTROL

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective road frontage.

All points of access shall be constructed as to provide for proper drainage.

- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
- D. No curbs, or shoulders on city streets or rights-of-way shall be cut or altered without approval of the Pleasant View Road Commissioner, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.100 ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Not use trailers, vans, mobile homes, buses, truck bodies or automobiles for storage.

3.110 LANDSCAPING AND BUFFER STRIPS (Amended by Ordinance No. 03-01, February 14, 2003)

Pleasant View's most important asset in seeking to attract residents and businesses is the environment. The purpose and intent of landscaping and buffers is to preserve and promote health, safety and general welfare of the public; to facilitate the recreation of a convenient, attractive and harmonious community; to preserve the character of the area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate uses of the land. More specifically, this section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this section is intended to require landscaping in order to reduce the harmful effects of wind and air turbulence, heat and noise and the glare of motor vehicle lights, to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and improve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere, to prevent soil erosion, to provide shade and to enhance the blighted appearances of parking lots.

The provisions of this section shall apply to all developments where site plans are filed and shall also apply to buffer strips where required.

A. Provisions for Administration Shall Be as Follows:

- 1. Following the adoption of this ordinance no site plan shall be approved which does not meet the landscaping and buffering requirements pertaining to it.
- 2. No application for a zoning change shall be recommended for approval by the Planning Commission or approved by the Pleasant View Board of Mayor and Aldermen, unless such application demonstrates that the provisions of this section pertaining to buffering can be met.
- 3. The Board of Zoning Appeals shall not approve any request for a special exception, unless the provisions of this section can be met.
- 4. The landscaping measures as required by this and approved on the site plan submitted in accordance with these provisions shall be completed according to specifications prior to issuance of an occupancy permit.

B. General Landscaping Requirements

1. Landscaping shall be integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall use trees, shrubs, ground cover, perennials, annuals, plant sculpture, art and the use of building and paving materials in an imaginative manner to meet the requirements of this ordinance.
2. Where the provisions of this section would reduce the usable area of a lot due to lot configuration or size, or where the provisions of this section may not pertain to certain lots, the Planning Commission may waive any requirements that it believes are unnecessary. It may also require such other information or exhibits, including photographs, samples of proposed building materials or anything that may be considered necessary to reach an informed decision on the acceptability of the project.
3. A landscape zone of not less than five (5) feet width must be planted along all street frontage and behind public right-of-way boundaries in Commercial zones.
4. Street trees must be planted at forty (40) feet on center along street frontage and within required five (5) feet landscape zone. Street trees must be planted a minimum of five (5) feet behind the back of curb or edge of pavement, when sidewalks are absent.
5. Required Street Tree Sizes Shall Be
 - a. Along US Highway 41-A
Three (3) inches in caliper
 - b. Along State Highway 49
Three (3) inches in caliper.
 - c. Other Arterials
Three (3) inch caliper minimum
 - d. Secondary Streets
Two (2) inches caliper
6. Preferred Street Tree Species
 - a. Sugar Maple
 - b. Red Maple
 - c. Willow Oak
 - d. Saw Tooth Oak

Other species will be considered on a site by site basis.

7. Required Interior Site Tree Sizes Are as Follows

a. Deciduous Shade Trees

Two (2) inch caliper

b. Evergreen Trees

Five to six (5 – 6) foot height

c. Under Story/Ornamental

One (1) inch caliper minimum

No more than fifty (50) percent of site tree requirement may be met with under story/ornamental trees.

8. Required Shrub Plantings Must Meet the Following Requirements

a. Upright Species

Thirty-six (36) inch height minimum

b. Spreading Species

Eighteen (18) inch spread minimum

c. Intermediate Species

Twenty-four to thirty-six (24 – 36) inch height/spread minimum

d. If Used for Transitional Screen

Forty-eight (48) inch height minimum

9. Each Acre of Site Area Not Presently Treed Shall Be Landscaped as Follows

a. Twelve (12) Site Trees

b. Fifteen (15) Shrubs

Where the application of this standard results in a fractional requirement, it shall be rounded off to the higher whole number.

10. A minimum of fifteen (15) percent of parking lot area must be formally landscaped in and around the parking areas. ten (10) percent in Industrial Zones)

11. For every two hundred (200) square feet of required formal landscape area in parking lots, one (1) site tree must provided. Calculations must be provided on landscape plans.

12. In commercial zones, a shrub row must be planted at twenty-four (24) inch height minimum along all boundaries of parking areas visible from public streets.
13. Foundation plantings must be provided for all publicly viewable sides of a building in commercial zones and industrial zones.

C. Screening and Buffer Screening

1. Screening

- a. Elements such as parking, loading areas, dumpsters, outdoor storage and electrical boxes shall be obscured by screening.
- b. Specific screening shall dictate the required materials and amounts. Evergreen trees provide the greatest year-round screening, with staggered double rows preventing gaps. Where appropriate, materials such as deciduous trees and shrubs, fences and walls, may be used. The materials and colors of fencing and walls shall be compatible with the architecture of the associated building.
- c. Screening areas shall have a minimum width of five (5) feet when vegetative materials are used. There is no minimum width for fences and walls.
- d. Loading areas shall not front any streets (except industrial zones) unless screened from public rights-of-way.
- e. Outdoor storage is prohibited in any front yard and shall not be visible from any public right-of-way.
- f. Dumpsters, trash refuse and recyclable containers shall be set on concrete pads and located to the rear of sites. They shall be screened on all four (4) sides by masonry walls and a gate, a minimum height of two (2) feet above dumpster and with materials and colors that match the associated building.
- g. Dumpster pads, electrical boxes and similar utilities shall be screened.
- h. Utility and mechanical equipment on roofs or on site shall be totally screened.

2. Transitional Screening/Buffering

- a. Transitional screening and/or buffering shall be provided where commercial, industrial, multi-family or mobile home districts adjoin residential districts.

- b. Transitional screens or buffers must include a densely planted strip at least thirty (30) foot in width and designed to provide a buffer in all seasons.
- c. Mature vegetation is to be retained and reinforced in these areas.
- d. Trees must be planted on ten (10) feet centers with three (3) feet offsets within the buffer area.
- e. No more than fifty (50) percent of trees planted in buffer area may be deciduous flowering or ornamental species. The other fifty (50) percent must be evergreen/semi-evergreen.
- f. Shrubs used in buffer strips must be evergreen/semi-evergreen and forty-eight (48) inches in height at installation.

D. Modifications and Waivers

Buffer screening may be waived or modified by the Planning Commission or Board of Zoning Appeals, whichever is appropriate, in any of the following circumstances. Conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this section may be attached:

- 1. Buffer screening may not be required between uses that are to be developed under a common development plan or a series of development plans within a PUD District, Village District or a common site plan.
- 2. Where the provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, buffer screening may be reduced. Where the side of a building, a barrier and/or the land between that building and property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques, buffer screens may be waived.
- 3. Buffer screening may be waived or modified where the subject property line abuts a railroad or limited access highway right-of-way.
- 4. When buffer screening and the lot being protected is such that a barrier would not be effective.
- 5. Buffer screening may be waived or modified for any public use, when such use has been specifically designed to minimize adverse impacts on adjacent properties.
- 6. Buffer screening may be modified in certain unusual circumstances of topography, or to alleviate certain specific problems; i.e., the blocking of glare, muting of noise, etc., The Planning Commission may require the use of an earth berm or more specialized fencing material in lieu of, or in combination with, any of the buffer screening requirements.

E. Submissions Requirements

1. A Site Landscaping Plan, Either as a Separate Drawing or Integrated with the Site Plan
 - a. The location of all existing trees greater than eight (8) inch in caliper.
 - b. The proposed site landscaping with size, species, and numbers noted.
 - c. Position of screen planting (type of plantings specified).
 - d. Means for supplying water, including irrigation systems, or the location of hydrants or other sources of water supply. A source of water must be available to meet the requirements of this article.

The Planning Commission may waive any of the above requirements that it believes are unnecessary. It may also require such other information or exhibits, including photographs of site (before clearing), samples of proposed building materials, etc., as may be necessary to reach an informed decision on the acceptability of the project.

F. Enforcement of Landscaping Plans

In no event shall a Certificate of Occupancy Permit be issued, unless and until all elements of landscaping have been installed, and such installation has been approved by the Town as complete and in accordance with the approved landscape plan. If at the time application is made for a Certificate of Occupancy, required nonstructural landscaping is not in place and it can be determined by the Town, that because of the unavailability of plant material or that requiring completion of the landscaping at the time of such request would jeopardize the health of the plant material or weather conditions prohibit the completion of planting, the developer/owner shall make the following arrangements to secure a Temporary Certificate of Occupancy Permit.

1. The developer/owner shall produce an agreement in the form of a legally binding contract between the developer/owner and a landscaping installer/contractor specifying the manner and the date by which the landscaping, as shown on the approved plans, is to be installed. The Town shall be a third party beneficiary to said contract. The agreement shall be secured by a bond or letter of credit made payable to the Town of Pleasant View, Tennessee, in an amount equal to the estimated cost of landscaping plus fifty (50) percent. In the event of the failure of the developer/owner to execute this contract and thereby perform the work specified in the approved plan, the Town shall call the bond or letter of credit and fund the contract to have the work accomplished.

2. The developer/owner shall also agree in writing that he/she, or his/her successors shall provide the required planting as specified in the contract required in Paragraph 1, above, as a condition for issuance of a Certificate of Occupancy Permit and that no permit shall be issued unless and until such landscaping is installed. The developer/owner shall also agree that the principal use shall be discontinued should the required landscaping not be provided as specified in the approved plans. Violations of these provisions shall constitute an unauthorized illegal occupancy of the principal use and no further permits of any type shall be approved until the landscaping is installed.

G. Alternative Methods of Compliance

Although certain material or a particular method of construction is specifically prescribed by this ordinance, it is not intended, especially whenever a stream, natural rock formation or other natural condition exists, to prevent the use of materials or methods of construction different from the materials or methods of construction prescribed by this ordinance; provided, any such material or method of construction has been approved in writing or in plan by the Planning Commission who approved the original plan.

The Planning Commission may approve in writing or in plan any such alternate material or method of construction, provided that the proposed material or method of construction is, for the purpose intended, equivalent of that specifically prescribed by this ordinance in quality, effectiveness, durability, hardness and performance and that such alternative measure better preserves the existing natural condition. The Planning Commission may require that sufficient evidence of proof be submitted to substantiate any claim that may be made regarding its use.